

REMARKS

Claims remaining in the present application are Claims 1-21. Claims 9 and 13 have been amended. No new matter has been added as a result of these amendments.

CLAIM REJECTIONS

35 U.S.C. §102

Claims 1-21 are rejected under 35 U.S.C. §102(e) as being anticipated by Otteson et al. U.S. Patent No. 6,208,804 (hereinafter, Otteson). The rejection is respectfully traversed for the following rationale.

CLAIM 1

Applicant respectfully traverses the rejection to Claim 1 on the ground that the rejection improperly relies upon facts not in the record. The rejection states that Otteson conforms to the Open System International (OSI) standard and that, "according to the OSI model, packets are received individually in the data-link layer and then after some modification and arraignment they are sent to the application layer for a process." Applicant respectfully points out that the OSI standard has not been cited in the record. Therefore, the rejection may not rely upon assertions of what the OSI model may or may not teach. Applicants further note that the rejection appears to be attempting to take "official notice" of facts unsupported by documentary evidence without calling attention to the

act of taking "official notice." Applicants request that either a copy of the OSI be provided or that the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully assert that Otteson fails to teach or suggest all of the limitations of Claim 1. Therefore, Applicant respectfully requests allowance of Claim 1.

CLAIM 8

Claim 8 recites:

The method of Claim 1 wherein said packet comprises information regarding said second device's compliance with a copy protection scheme.

Applicants respectfully assert that Otteson does not teach or suggest the packets comprising information regarding a device's compliance with a copy protection scheme. The rejection has cited a passage in Ottesen that is concerned with a subscriber's account. Ottesen's teaching of determining whether a subscriber is authorized to access the material does not teach the claimed limitations regarding said second device's compliance with a copy protection scheme. It is well-established law that to maintain a rejection under 35 U.S.C. §102, the prior art must teach all of the claim limitations. Because Otteson fails to teach this claim limitation, Applicant respectfully asserts that the rejection to Claim 8 has been overcome.

CLAIM 9

Currently Amended Claim 9 recites, in part:

b) a communication layer of code coupled to said first device sending at least one packet of authentication information to said second device

e) said communication layer transferring a response to a processing layer of code coupled to said first device, wherein said communication layer of code and said processing layer of code are independent from each other, wherein said processing layer performs authentication, and wherein fragmentation of said packets is transparent to said processing layer.

Applicant respectfully asserts that Otteson fails to teach or suggest the above claimed limitations. Applicant respectfully asserts that Otteson is silent as to keeping fragmentation of packets of authentication information transparent to a processing layer that performs authentication. Moreover, Applicants respectfully assert that Otteson does not inherently teach these limitations.

Claim 9 is further believed to be allowable for reasons similar to those discussed in the response to Claim 1.

For the foregoing reasons, Applicants request allowance of Claim 9.

CLAIM 13

Currently Amended Claim 13 recites, in part:

said communication layer of code further operable to send all received packets as a single group to said processing layer of code stored in said memory, wherein fragmentation of said packets comprises authentication information is transparent to said processing layer operable to perform authentication and key exchange.

Applicant respectfully asserts that Otteson fails to teach or suggest the above claimed limitations. Applicant respectfully asserts that Otteson is silent as to keeping fragmentation of packets of authentication information transparent to a processing layer that performs authentication and key exchange. Moreover, Applicants respectfully assert that Otteson does not inherently teach these limitations.

Claim 13 is further believed to be allowable for reasons similar to those discussed in the response to Claim 1.

For the foregoing reasons, Applicants request allowance of Claim 13.

Dependent Claims

Claims 2-7, 10-12, and 14-21 depend from Claims 1, 9, and 13, which are respectfully believed to be allowable for reasons contained herein. By virtue of their dependency, Claims 2-7, 10-12, and 14-21 are respectfully believed to be allowable.

CONCLUSION

Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-21 overcome the rejections of record and, therefore, allowance of Claims 1-21 is respectfully solicited. Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

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Respectfully submitted,
WAGNER, MURABITO & HAO LLP



Ronald M. Pomeranke
Registration No. 43,009

Address: WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113
Telephone: (408) 938-9060 Voice
(408) 938-9069 Facsimile